

RECEIVED  
CENTRAL FAX CENTER  
NOV 21 2006

Application No. 10/675,820  
Amendment dated November 21, 2006  
Reply to Office Action of June 5, 2006

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (currently amended) A guard for use in human spinal surgery, comprising:  
a body having a leading end and an opposite ~~a~~-trailing end, said body having a first portion and a second portion in pivotal relationship to one another between an open position and a closed position, said first and second portions having at least in part opposed interior arcuate portions, respectively, said first and second portions defining an opening for providing a protected access pathway to adjacent vertebral bodies and a disc space therebetween, said first and second portion being pivotal about an axis that passes through at least a portion of the pathway, said opposed interior arcuate portions of said first and second portions of said body being parallel to one another when said body is in the closed position, said opposed interior arcuate portions of said first and second portions of said body being angled to one another when said body is in the open position, said opening defined by said first and second portions of said body being generally circular when said body is in the closed position, said opposed interior arcuate portions being adapted to guide there through a surgical instrument, said body having an exterior surface that has opposed upper and lower surfaces oriented toward the adjacent vertebral bodies, respectively, said upper and lower surfaces being at least in part arcuate, said exterior surface of said body having opposed side surfaces, said side surfaces being at least in part arcuate, said first and second portions of said body when in the closed position forming a tube.
2. (original) The guard of claim 1, wherein said opening defined by said first and second portions of said body is generally oval when in the open position.